

1 AMENDMENT TO SENATE BILL 354

2 AMENDMENT NO. _____. Amend Senate Bill 354, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Registered Surgical Assistant and Registered Surgical
7 Technologist Title Protection Act.

8 Section 5. Legislative purpose. The purpose of this Act
9 is to protect and benefit the public by setting standards of
10 qualifications, education, training, and experience for those
11 who seek to hold the title of registered surgical assistant
12 and registered surgical technologist.

13 Section 10. Definitions. As used in this Act:

14 "Department" means the Department of Professional
15 Regulation.

16 "Direct supervision" means supervision by an operating
17 physician, licensed podiatrist, or licensed dentist who is
18 physically present and who personally directs delegated acts
19 and remains available to personally respond to an emergency
20 until the patient is released from the operating room. A
21 registered professional nurse may also provide direct

1 supervision within the scope of his or her license. A
2 registered surgical assistant or registered surgical
3 technologist shall perform duties as assigned.

4 "Director" means the Director of Professional Regulation.

5 "Physician" or "operating physician" means a person
6 licensed to practice medicine in all of its branches under
7 the Medical Practice Act of 1987.

8 "Registered surgical assistant" means a person who (i) is
9 not licensed to practice medicine in all of its branches,
10 (ii) is certified by the National Surgical Assistant
11 Association on the Certification of Surgical Assistants, the
12 Liaison Council on Certification for the Surgical
13 Technologist as a certified first assistant, or the American
14 Board of Surgical Assisting, (iii) performs duties under
15 direct supervision, (iv) provides services only in a licensed
16 hospital, ambulatory treatment center, or office of a
17 physician licensed to practice medicine in all its branches,
18 and (v) is registered under this Act.

19 "Registered surgical technologist" means a person who (i)
20 is not a physician licensed to practice medicine in all of
21 its branches, (ii) is certified by the Liaison Council on
22 Certification for the Surgical Technologist, (iii) performs
23 duties under direct supervision, (iv) provides services only
24 in a licensed hospital, ambulatory treatment center, or
25 office of a physician licensed to practice medicine in all
26 its branches, and (v) is registered under this Act.

27 Section 15. Powers and duties of the Department.

28 (a) The Department shall exercise the powers and duties
29 prescribed by the Civil Administrative Code of Illinois and
30 shall exercise any other powers and duties necessary for
31 effectuating the purposes of this Act.

32 (b) The Department may adopt rules consistent with the
33 provisions of this Act for its administration and enforcement

1 and may prescribe forms that shall be issued in connection
2 with this Act. The rules may include but are not limited to
3 criteria for registration, professional conduct, and
4 discipline.

5 Section 20. Illinois Administrative Procedure Act;
6 rules.

7 (a) The Illinois Administrative Procedure Act is
8 expressly adopted and incorporated in this Act as if all of
9 the provisions of the Illinois Administrative Procedure Act
10 were included in this Act, except that the provision of
11 subsection (d) of Section 10-65 of the Illinois
12 Administrative Procedure Act that provides that at hearings
13 the registrant has the right to show compliance with all
14 lawful requirements for retention, continuation, or renewal
15 of the registration is specifically excluded. For purposes of
16 this Act, the notice required under Section 10-25 of the
17 Illinois Administrative Procedure Act is deemed sufficient
18 when mailed to the last known address of a party.

19 (b) The Director may promulgate rules for the
20 administration and enforcement of this Act and may prescribe
21 forms to be issued in connection with this Act.

22 Section 25. Application for registration. An application
23 for an initial registration shall be made to the Department
24 in writing on forms prescribed by the Department and shall be
25 accompanied by the required nonrefundable fee. An application
26 shall require information that, in the judgment of the
27 Department, will enable the Department to evaluate the
28 qualifications of an applicant for registration.

29 If an applicant fails to obtain a certificate of
30 registration under this Act within 3 years after filing his
31 or her application, the application shall be denied. The
32 applicant may make a new application, which shall be

1 accompanied by the required nonrefundable fee.

2 Section 30. Social Security Number on registration
3 application. In addition to any other information required to
4 be contained in the application, every application for an
5 original, renewal, or restored certificate of registration
6 under this Act shall include the applicant's Social Security
7 Number.

8 Section 35. Title protection. No person shall hold
9 himself or herself out as a registered surgical assistant or
10 registered surgical technologist without being so registered
11 by the Department. This is title protection and not licensure
12 by the Department.

13 Section 40. Application of Act. This Act shall not be
14 construed to prohibit the following:

15 (1) A person licensed in this State under any other
16 Act from engaging in the practice for which he or she is
17 licensed, including but not limited to a physician
18 licensed to practice medicine in all its branches,
19 physician assistant, advanced practice registered nurse,
20 or nurse performing surgery-related tasks within the
21 scope of his or her license, nor are these individuals
22 required to be registered under this Act.

23 (2) A person from engaging in practice as a
24 surgical assistant or surgical technologist in the
25 discharge of his or her official duties as an employee of
26 the United States government.

27 (3) One or more registered surgical assistants from
28 forming a professional service corporation in accordance
29 with the Professional Service Corporation Act and
30 applying for licensure as a corporation providing
31 surgical assistant services.

1 (4) A student engaging in practice as a surgical
2 assistant or surgical technologist under the direct
3 supervision of a physician licensed to practice medicine
4 in all of its branches as part of his or her program of
5 study at a school approved by the Department or in
6 preparation to qualify for the examination as prescribed
7 under Sections 45 and 50 of this Act.

8 (5) A person from assisting in surgery at an
9 operating physician's discretion.

10 (6) A hospital, health system or network,
11 ambulatory surgical treatment center, physician licensed
12 to practice medicine in all its branches, physician
13 medical group, or other entity that provides
14 surgery-related services from employing individuals that
15 the entity considers competent to assist in surgery.
16 These entities are not required to utilize registered
17 surgical assistants or registered surgical technologists
18 when providing surgery-related services to patients.
19 Nothing in this subsection shall be construed to limit
20 the ability of an employer to utilize the services of any
21 person to assist in surgery within the employment setting
22 consistent with the individual's skill and training.

23 Section 45. Registration requirements; surgical
24 assistant. A person shall qualify for registration as a
25 surgical assistant if he or she has applied in writing on the
26 prescribed form, has paid the required fees, and meets all of
27 the following requirements:

28 (1) Is at least 21 years of age.

29 (2) Has not violated a provision of Section 95 of
30 this Act. In addition the Department may take into
31 consideration any felony conviction of the applicant, but
32 a conviction shall not operate as an absolute bar to
33 registration.

1 (3) Has completed a medical education program
2 approved by the Department or has graduated from a United
3 States Military Program that emphasized surgical
4 assisting.

5 (4) Has successfully completed a national
6 certifying examination approved by the Department.

7 (5) Is currently certified by the National Surgical
8 Assistant Association on the Certification of Surgical
9 Assistants, the Liaison Council on Certification for the
10 Surgical Technologist as a certified first assistant, or
11 the American Board of Surgical Assisting.

12 Section 50. Registration requirements; surgical
13 technologist. A person shall qualify for registration as a
14 surgical technologist if he or she has applied in writing on
15 the prescribed form, has paid the required fees, and meets
16 all of the following requirements:

17 (1) Is at least 18 years of age.

18 (2) Has not violated a provision of Section 95 of
19 this Act. In addition the Department may take into
20 consideration any felony conviction of the applicant, but
21 a conviction shall not operate as an absolute bar to
22 registration.

23 (3) Has completed a surgical technologist program
24 approved by the Department.

25 (4) Has successfully completed the surgical
26 technologist national certification examination provided
27 by the Liaison Council on Certification for the Surgical
28 Technologist or its successor agency.

29 (6) Is currently certified by the Liaison Council
30 on Certification for the Surgical Technologist or its
31 successor agency and has met the requirements set forth
32 for certification.

1 Section 55. Supervision requirement. A person registered
2 under this Act shall practice as a surgical assistant only
3 under direct supervision.

4 Section 60. Expiration; restoration; renewal. The
5 expiration date and renewal period for each certificate of
6 registration issued under this Act shall be set by the
7 Department by rule. Renewal shall be conditioned on paying
8 the required fee and meeting other requirements as may be
9 established by rule.

10 A registrant who has permitted his or her registration to
11 expire or who has had his or her registration on inactive
12 status may have the registration restored by making
13 application to the Department, by filing proof acceptable to
14 the Department of his or her fitness to have the registration
15 restored, and by paying the required fees. Proof of fitness
16 may include sworn evidence certifying to active lawful
17 practice in another jurisdiction.

18 If the registrant has not maintained an active practice
19 in another jurisdiction satisfactory to the Department, the
20 Department shall determine, by an evaluation program
21 established by rule, his or her fitness for restoration of
22 the registration and shall establish procedures and
23 requirements for restoration. However, a registrant whose
24 registration expired while he or she was (1) in federal
25 service on active duty with the Armed Forces of the United
26 States or the State Militia called into service or training
27 or (2) in training or education under the supervision of the
28 United States before induction into the military service, may
29 have the registration restored without paying any lapsed
30 renewal fees if within 2 years after honorable termination of
31 the service, training, or education he or she furnishes the
32 Department with satisfactory evidence to the effect that he
33 or she has been so engaged and that his or her service,

1 training, or education has been so terminated.

2 Section 65. Inactive status. A registrant who notified
3 the Department in writing on forms prescribed by the
4 Department may elect to place his or her registration on
5 inactive status and shall, subject to rules of the
6 Department, be excused from payment of renewal fees until he
7 or she notifies the Department in writing of his or her
8 intention to restore the registration. A registrant
9 requesting restoration from inactive status shall pay the
10 current renewal fee and shall restore his or her registration
11 in accordance with Section 60 of this Act. A registrant whose
12 license is on inactive status shall not hold himself or
13 herself out as a registered surgical assistant or registered
14 surgical technologist. To do so shall be grounds for
15 discipline under Section 75 of this Act.

16 Section 70. Fees; returned checks.

17 (a) The Department shall set by rule fees for the
18 administration of this Act, including but not limited to fees
19 for initial and renewal registration and restoration of a
20 certificate of registration.

21 (b) A person who delivers a check or other payment to
22 the Department that is returned to the Department unpaid by
23 the financial institution upon which it is drawn shall pay to
24 the Department, in addition to the amount already owed to the
25 Department, a fine of \$50. The fines imposed by this Section
26 are in addition to any other discipline provided under this
27 Act. The Department shall notify the person that fees and
28 fines shall be paid to the Department by certified check or
29 money order within 30 calendar days of the notification. If,
30 after the expiration of 30 days from the date of the
31 notification, the person has failed to submit the necessary
32 remittance, the Department shall automatically terminate the

1 registration or deny the application without a hearing. If
2 the person seeks a license after termination or denial, he or
3 she shall apply to the Department for restoration or issuance
4 of the license and pay all fees and fines due to the
5 Department. The Department may establish a fee for the
6 processing of an application for restoration of a license to
7 defray the expenses of processing the application. The
8 Director may waive the fines due under this Section in
9 individual cases if the Director finds that the fines would
10 be unreasonable or unnecessarily burdensome.

11 (c) All of the fees and fines collected under this Act
12 shall be deposited into the General Professions Dedicated
13 Fund. All moneys in the Fund shall be used by the Department,
14 as appropriated, for the ordinary and contingent expenses of
15 the Department.

16 Section 75. Grounds for disciplinary action.

17 (a) The Department may refuse to issue, renew, or
18 restore a registration, may revoke or suspend a registration,
19 or may place on probation, censure, reprimand, or take other
20 disciplinary action with regard to a person registered under
21 this Act, including but not limited to the imposition of
22 fines not to exceed \$5,000 for each violation, for any one or
23 combination of the following causes:

24 (1) Making a material misstatement in furnishing
25 information to the Department.

26 (2) Violating a provision of this Act or its rules.

27 (3) Conviction under the laws of a United States
28 jurisdiction of a crime that is a felony or a
29 misdemeanor, an essential element of which is dishonesty,
30 or of a crime that is directly related to the practice as
31 a surgical assistant or surgical technologist.

32 (4) Making a misrepresentation for the purpose of
33 obtaining, renewing, or restoring a registration.

1 (5) Wilfully aiding or assisting another person in
2 violating a provision of this Act or its rules.

3 (6) Failing to provide information within 60 days
4 in response to a written request made by the Department.

5 (7) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public, as defined by rule of the
8 Department.

9 (8) Discipline by another United States
10 jurisdiction or foreign nation, if at least one of the
11 grounds for discipline is the same or substantially
12 equivalent to those set forth in this Section.

13 (9) Directly or indirectly giving to or receiving
14 from a person, firm, corporation, partnership, or
15 association a fee, commission, rebate, or other form of
16 compensation for professional services not actually or
17 personally rendered.

18 (10) A finding by the Department that the
19 registrant, after having his or her registration placed
20 on probationary status, has violated the terms of
21 probation.

22 (11) Wilfully making or filing false records or
23 reports in his or her practice, including but not limited
24 to false records or reports filed with State agencies.

25 (12) Wilfully making or signing a false statement,
26 certificate, or affidavit to induce payment.

27 (13) Wilfully failing to report an instance of
28 suspected child abuse or neglect as required under the
29 Abused and Neglected Child Reporting Act.

30 (14) Being named as a perpetrator in an indicated
31 report by the Department of Children and Family Services
32 under the Abused and Neglected Child Reporting Act and
33 upon proof by clear and convincing evidence that the
34 licensee has caused a child to be an abused child or

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (15) Employment of fraud, deception, or any
4 unlawful means in applying for or securing a license as a
5 surgical assistant.

6 (16) Failure to report to the Department (A) any
7 adverse final action taken against the registrant by
8 another registering or licensing jurisdiction, government
9 agency, law enforcement agency, or any court or (B)
10 liability for conduct that would constitute grounds for
11 action as set forth in this Section.

12 (17) Habitual intoxication or addiction to the use
13 of drugs.

14 (18) Physical illness, including but not limited to
15 deterioration through the aging process or loss of motor
16 skills, which results in the inability to practice the
17 profession for which he or she is registered with
18 reasonable judgment, skill, or safety.

19 (19) Gross malpractice resulting in permanent
20 injury or death of a patient.

21 (20) Immoral conduct in the commission of an act
22 related to the registrant's practice, including but not
23 limited to sexual abuse, sexual misconduct, or sexual
24 exploitation.

25 (21) Violation the Health Care Worker Self-Referral
26 Act.

27 (b) The Department may refuse to issue or may suspend the
28 registration of a person who fails to file a return, to pay
29 the tax, penalty, or interest shown in a filed return, or to
30 pay a final assessment of the tax, penalty, or interest as
31 required by a tax Act administered by the Department of
32 Revenue, until the requirements of the tax Act are satisfied.

33 (c) The determination by a circuit court that a
34 registrant is subject to involuntary admission or judicial

1 admission as provided in the Mental Health and Developmental
2 Disabilities Code operates as an automatic suspension. The
3 suspension will end only upon (1) a finding by a court that
4 the patient is no longer subject to involuntary admission or
5 judicial admission, (2) issuance of an order so finding and
6 discharging the patient, and (3) the recommendation of the
7 Department to the Director that the registrant be allowed to
8 resume his or her practice.

9 Section 80. Cease and desist order.

10 (a) If a person violates a provision of this Act, the
11 Director, in the name of the People of the State of Illinois
12 through the Attorney General of the State of Illinois, or the
13 State's Attorney of a county in which the violation occurs,
14 may petition for an order enjoining the violation or for an
15 order enforcing compliance with this Act. Upon the filing of
16 a verified petition in court, the court may issue a temporary
17 restraining order without notice or bond and may
18 preliminarily and permanently enjoin the violation. If it is
19 established that the registrant has violated or is violating
20 the injunction, the court may punish the offender for
21 contempt of court. Proceedings under this Section shall be in
22 addition to, and not in lieu of, all other remedies and
23 penalties provided by this Act.

24 (b) If a person holds himself or herself out as a
25 surgical assistant or surgical technologist without being
26 registered under this Act, then any registrant under this
27 Act, interested party, or person injured thereby, in addition
28 to the Director or State's Attorney, may petition for relief
29 as provided in subsection (a) of this Section.

30 (c) If the Department determines that a person violated a
31 provision of this Act, the Department may issue a rule to
32 show cause why an order to cease and desist should not be
33 entered against him or her. The rule shall clearly set forth

1 the grounds relied upon by the Department and shall provide a
2 period of 7 days from the date of the rule to file an answer
3 to the satisfaction of the Department. Failure to answer to
4 the satisfaction of the Department shall cause an order to
5 cease and desist to be issued immediately.

6 Section 85. Investigation; notice; hearing. Certificates
7 of registration may be refused, revoked, suspended, or
8 otherwise disciplined in the manner provided by this Act and
9 not otherwise. The Department may upon its own motion and
10 shall upon the verified complaint in writing of any person
11 setting forth facts that if proven would constitute grounds
12 for refusal to issue or for suspension or revocation under
13 this Act, investigate the actions of a person applying for,
14 holding, or claiming to hold a certificate of registration.
15 The Department shall, before refusing to issue or renew,
16 suspending, or revoking a certificate of registration or
17 taking other discipline pursuant to Section 75 of this Act,
18 and at least 30 days prior to the date set for the hearing,
19 notify in writing the applicant or licensee of any charges
20 made, shall afford the applicant or registration an
21 opportunity to be heard in person or by counsel in reference
22 to the charges, and direct the applicant or registrant to
23 file a written answer to the Department under oath within 20
24 days after the service of the notice and inform the applicant
25 or registrant that failure to file an answer will result in
26 default being taken against the applicant or registrant and
27 that the certificate of registration may be suspended,
28 revoked, placed on probationary status, or other disciplinary
29 action may be taken, including limiting the scope, nature, or
30 extent of practice, as the Director may deem proper. Written
31 notice may be served by personal delivery to the applicant or
32 registrant or by mailing the notice by certified mail to his
33 or her last known place of residence or to the place of

1 business last specified by the applicant or registrant in his
2 or her last notification to the Department. If the person
3 fails to file an answer after receiving notice, his or her
4 certificate of registration may, in the discretion of the
5 Department, be suspended, revoked, or placed on probationary
6 status or the Department may take whatever disciplinary
7 action deemed proper, including limiting the delegated tasks
8 or the imposition of a fine, without a hearing, if the act or
9 acts charged constitute sufficient grounds for such action
10 under this Act. At the time and place fixed in the notice,
11 the Department shall proceed to hearing of the charges and
12 both the applicant or registrant and the complainant shall be
13 afforded ample opportunity to present, in person or by
14 counsel, any statements, testimony, evidence, and arguments
15 that may be pertinent to the charges or to their defense. The
16 Department may continue a hearing from time to time. The
17 Department may continue a hearing for a period not to exceed
18 30 days.

19 Section 90. Record of proceedings. The Department, at
20 its expense, shall preserve a record of all proceedings at a
21 formal hearing conducted pursuant to Section 85 of this Act.
22 The notice of hearing, complaint, and all other documents in
23 the nature of pleadings and written motions filed in the
24 proceedings, the transcript of testimony, the report of the
25 Department or hearing officer, and orders of the Department
26 shall be the record of the proceeding. The Department shall
27 supply a transcript of the record to a person interested in
28 the hearing on payment of the fee required under Section
29 2105-115 of the Department of Professional Regulation Law of
30 the Civil Administrative Code of Illinois.

31 Section 95. Order for production of documents. A circuit
32 court may, upon application of the Department or its

1 designee, or of the applicant or registration against whom
2 proceedings pursuant to Section 85 of this Act are pending,
3 enter an order requiring the attendance of witnesses and
4 their testimony and the production of documents, papers,
5 files, books, and records in connection with a hearing or
6 investigation authorized by this Act. The court may compel
7 obedience to its order through contempt proceedings.

8 Section 100. Subpoena power. The Department has the
9 power to subpoena and bring before it any person in this
10 State and to take testimony orally or by deposition, with the
11 same fees and mileage and in the same manner as prescribed by
12 law in judicial proceedings in civil cases in circuit courts
13 of this State. The Director shall have the authority to
14 administer, at any hearing that the Department is authorized
15 to conduct under this Act, oaths to witnesses and any other
16 oaths authorized to be administered by the Department under
17 this Act.

18 Section 105. Disciplinary report. At the conclusion of
19 the hearing, the Department shall present to the Director a
20 written report of its findings of fact, conclusions of law,
21 and recommendations. In the report, the Department shall make
22 a finding of whether or not the charged registrant or
23 applicant violated a provision of this Act or its rules and
24 shall specify the nature of the violation. In making its
25 recommendations for discipline, the Department may take into
26 consideration all facts and circumstances bearing upon the
27 reasonableness of the conduct of the respondent and the
28 potential for future harm to the public, including but not
29 limited to previous discipline of that respondent by the
30 Department, intent, degree of harm to the public and
31 likelihood of harm in the future, any restitution made, and
32 whether the incident or incidents complained of appear to be

1 isolated or a pattern of conduct. In making its
2 recommendations for discipline, the Department shall seek to
3 ensure that the severity of the discipline recommended bears
4 some reasonable relationship to the severity of the
5 violation.

6 Section 110. Motion for rehearing. In a case involving
7 the refusal to issue or renew a registration or the
8 discipline of a registrant, a copy of the Department's report
9 shall be served upon the respondent by the Department, either
10 personally or as provided under Section 20 of this Act for
11 the service of the notice of hearing. Within 20 days after
12 the service, the respondent may present to the Department a
13 motion in writing for a rehearing, which shall specify the
14 particular grounds for a rehearing. If no motion for
15 rehearing is filed, then upon the expiration of the time
16 specified for filing the motion, or if a motion for rehearing
17 is denied, then upon the denial the Director may enter an
18 order in accordance with recommendations of the Department,
19 except as provided in Section 115 or 120 of this Act. If the
20 respondent orders a transcript of the record from the
21 reporting service and pays for the transcript within the time
22 for filing a motion for rehearing, the 20-day period within
23 which such a motion may be filed shall commence upon the
24 delivery of the transcript to the respondent.

25 Section 115. Order of Director.

26 (a) The Director shall issue an order concerning the
27 disposition of the charges (i) following the expiration of
28 the filing period granted under Section 110 of this Act if no
29 motion for rehearing is filed or (ii) following a denial of a
30 timely motion for rehearing.

31 (b) The Director's order shall be based on the
32 recommendations contained in the Department report unless,

1 after giving due consideration to the Department's report,
2 the Director disagrees in any regard with the report of the
3 Department, in which case he or she may issue an order in
4 contravention of the report. The Director shall provide a
5 written report to the Department on any deviation from the
6 Department's report and shall specify with particularity the
7 reasons for his or her deviation in the final order. The
8 Department's report and Director's order are not admissible
9 in evidence against the person in a criminal prosecution
10 brought for a violation of this Act, but the hearing, report,
11 and order are not a bar to a criminal prosecution brought for
12 the violation of this Act.

13 Section 120. Hearing officer. The Director shall have
14 the authority to appoint an attorney licensed to practice law
15 in this State to serve as the hearing officer in a hearing
16 authorized under Section 90 of this Act. The hearing officer
17 shall have full authority to conduct the hearing. The hearing
18 officer shall report his or her findings of fact, conclusions
19 of law, and recommendations to the Department. If the
20 Director disagrees in any regard with the report of the
21 Department, he or she may issue an order in contravention of
22 the report. The Director shall provide a written explanation
23 to the Department on a deviation from the Department's report
24 and shall specify with particularity the reasons for his or
25 her deviation in the final order.

26 Section 125. Rehearing on order of Director. Whenever
27 the Director is not satisfied that substantial justice has
28 been achieved in the discipline of a registration, the
29 Director may order a rehearing by the same or another hearing
30 officer.

31 Section 130. Order; prima facie proof. An order or a

1 certified copy of an order, over the seal of the Department
2 and purporting to be signed by the Director, shall be prima
3 facie proof that:

4 (1) the signature is the genuine signature of the
5 Director; and

6 (2) the Director is duly appointed and qualified.

7 Section 135. Restoration of registration. At any time
8 after the suspension or revocation of a certificate of
9 registration, the Department may restore it to the registrant
10 unless, after an investigation and a hearing, the Department
11 determines that restoration is not in the public interest.
12 Where circumstances of suspension or revocation so indicate,
13 the Department may require an examination of the registrant
14 before restoring his or her certificate of registration.

15 Section 140. Surrender of certificate of registration.
16 Upon the revocation or suspension of a certificate of
17 registration, the registrant shall immediately surrender the
18 certificate of registration to the Department. If the
19 registrant fails to do so, the Department shall have the
20 right to seize the certificate of registration.

21 Section 145. Temporary suspension. The Director may
22 temporarily suspend the registration of a surgical assistant
23 or surgical technologist without a hearing, simultaneously
24 with the institution of proceedings for a hearing provided
25 for in Section 85 of this Act, if the Director finds that
26 evidence in his or her possession indicates that continuation
27 in practice would constitute an imminent danger to the
28 public. If the Director temporarily suspends a license
29 without a hearing, a hearing by the Department shall be held
30 within 30 days after the suspension has occurred and shall be
31 concluded without appreciable delay.

1 Section 150. Certificate of record. The Department shall
2 not be required to certify any record to a court or file an
3 answer in court or otherwise appear in a court in a judicial
4 review proceeding unless there is filed in the court, with
5 the complaint, a receipt from the Department acknowledging
6 payment of the costs of furnishing and certifying the record.
7 Failure on the part of the plaintiff to file a receipt in
8 court shall be grounds for dismissal of the action.

9 Section 155. Administrative Review Law. All final
10 administrative decisions of the Department are subject to
11 judicial review under the Administrative Review Law and its
12 rules. The term "administrative decision" is defined as in
13 Section 3-101 of the Code of Civil Procedure. Proceedings for
14 judicial review shall be commenced in the circuit court of
15 the county in which the party seeking review resides. If the
16 party seeking review is not a resident of this State, venue
17 shall be in Sangamon County.

18 Section 160. Criminal penalties. A person who is found
19 to have knowingly violated Section 35 of this Act is guilty
20 of a Class A misdemeanor for a first offense and is guilty of
21 a Class 4 felony for a second or subsequent offense.

22 Section 165. Civil penalties.

23 (a) In addition to any other penalty provided by law, a
24 person who violates Section 35 of this Act shall pay a civil
25 penalty to the Department in an amount not to exceed \$5,000
26 for each offense as determined by the Department. The civil
27 penalty shall be assessed by the Department after a hearing
28 is held in accordance with the provisions set forth in this
29 Act regarding a hearing for the discipline of a licensee.

30 (b) The Department has the authority and power to
31 investigate any and all unregistered activity.

1 (c) The civil penalty assessed under this Act shall be
2 paid within 60 days after the effective date of the order
3 imposing the civil penalty. The order shall constitute a
4 judgment and may be filed and execution had on the judgment
5 in the same manner as a judgment from a court of record.

6 Section 170. Home rule powers. The regulation of
7 surgical assistants and surgical technologists is an
8 exclusive power and function of the State. A home rule unit
9 shall not regulate surgical assistants or surgical
10 technologists. This Section is a limitation under subsection
11 (h) of Section 6 of Article VII of the Illinois Constitution.

12 Section 900. The Regulatory Sunset Act is amended by
13 changing Section 4.24 as follows:

14 (5 ILCS 80/4.24)

15 Sec. 4.24. Acts repealed on January 1, 2014. The
16 following Acts are repealed on January 1, 2014:

17 The Electrologist Licensing Act.

18 The Illinois Public Accounting Act.

19 The Registered Surgical Assistant and Registered Surgical
20 Technologist Title Protection Act.

21 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

22 Section 999. Effective date. This Act takes effect
23 January 1, 2004."